SCOTTISH STATUTORY INSTRUMENTS

1999 No. 32

The Food (Animals and Animal Products from Belgium) (Emergency Control) (No.2) (Scotland) Order 1999

Application and modification of various provisions of the Act

5.—(1) Section 9 of the Act (inspection and seizure of suspected food) shall apply for the purposes of this Order, subject to the following modifications–

(a) the references in subsections (1) and (2) to "food authority" shall be construed as including reference to the Scottish Ministers;

(b) subsections (1) and (2) shall extend to food and food sources which appear to an authorised officer to come within the definition of "relevant animal or animal product";

(c) subsections (3) to (9) thereof shall apply–

(i) to any food or food source falling within sub-paragraph (b) above as it applies to food which appears to an authorised officer to fail to comply with food safety requirements or to be likely to cause food poisoning or any disease communicable to human beings, and

(ii) to any relevant animal or animal product as if it were food which failed to comply with food safety requirements,

save that where a notice under subsection (3)(a)(i) is given in relation to a food source, the notice is to relate to food which may come to be derived from the food source, that subsection (6) thereof shall apply in relation to the destruction or disposal of a food source so as to prevent food which may come to be derived from it from being used for human consumption, and that a justice of the peace, the sheriff or a magistrate as the case may be shall decline to condemn food or a food source falling within sub-paragraph (b) above under subsection (6) thereof if and only if it is proved to him that it does not comprise relevant animals or animal products, or that it is to be returned to Belgium as specified in article 2(1)(c) hereof.

(2) The following provisions of the Act shall apply for the purposes of this Order and any reference in those provisions to the Act shall be construed for the purposes of this Order as a reference to this Order–

(a) section 33 (obstruction etc. of officers);

(b) section 35(1) (punishment of offences) in so far as it relates to offences under section 33 as applied by sub-paragraph (a) above; and

(c) section 44 (protection of officers acting in good faith).